

**REPORT OF THE AUDIT OF THE
MCLEAN COUNTY
SHERIFF'S SETTLEMENT - 2008 TAXES**

**For The Period
May 6, 2008 Through May 15, 2009**



**CRIT LUALLEN
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EXECUTIVE SUMMARY
AUDIT EXAMINATION OF THE
MCLEAN COUNTY
SHERIFF'S SETTLEMENT - 2008 TAXES

For The Period
May 6, 2008 Through May 15, 2009

The Auditor of Public Accounts has completed the audit of the Sheriff's Settlement - 2008 Taxes for the McLean County Sheriff for the period May 6, 2008 through May 15, 2009. We have issued an unqualified opinion on the financial statement taken as a whole. Based upon the audit work performed, the financial statement is presented fairly in all material respects.

Financial Condition:

The Sheriff collected taxes of \$3,019,364 for the districts for 2008 taxes, retaining commissions of \$115,732 to operate the Sheriff's office. The Sheriff distributed taxes of \$2,893,189 to the districts for 2008 taxes. Refunds of \$1,381 are due to the Sheriff from the taxing districts.

Report Comment:

- The Sheriff's Office Has A Lack Of Segregation Of Duties

Deposits:

The Sheriff's deposits were insured and collateralized by bank securities.

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CRIT LUALLEN
AUDITOR OF PUBLIC ACCOUNTS

To the People of Kentucky

Honorable Steven L. Beshear, Governor

Jonathan Miller, Secretary

Finance and Administration Cabinet

Honorable Larry Whitaker, McLean County Judge/Executive

Honorable Frank Cox, McLean County Sheriff

Members of the McLean County Fiscal Court

Independent Auditor's Report

We have audited the McLean County Sheriff's Settlement - 2008 Taxes for the period May 6, 2008 through May 15, 2009. This tax settlement is the responsibility of the McLean County Sheriff. Our responsibility is to express an opinion on this financial statement based on our audit.

We conducted our audit in accordance with auditing standards generally accepted in the United States of America, the standards applicable to financial audits contained in Government Auditing Standards issued by the Comptroller General of the United States, and the Audit Guide for Sheriff's Tax Settlements issued by the Auditor of Public Accounts, Commonwealth of Kentucky. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statement is free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statement. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audit provides a reasonable basis for our opinion.

As described in Note 1, the Sheriff's office prepares the financial statement on a prescribed basis of accounting that demonstrates compliance with the modified cash basis, which is a comprehensive basis of accounting other than accounting principles generally accepted in the United States of America.

In our opinion, the accompanying financial statement referred to above presents fairly, in all material respects, the McLean County Sheriff's taxes charged, credited, and paid for the period May 6, 2008 through May 15, 2009, in conformity with the modified cash basis of accounting.

In accordance with Government Auditing Standards, we have also issued our report dated November 9, 2009 on our consideration of the Sheriff's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on the internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with Government Auditing Standards and should be considered in assessing the results of our audit.



To the People of Kentucky
Honorable Steven L. Beshear, Governor
Jonathan Miller, Secretary
Finance and Administration Cabinet
Honorable Larry Whitaker, County Judge/Executive
Honorable Frank Cox, County Sheriff
Members of the McLean County Fiscal Court

Based on the results of our audit, we present the accompanying comment and recommendation, included herein, which discusses the following report comment:

- The Sheriff's Office Has A Lack Of Segregation Of Duties

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Crit Luallen", with a long horizontal flourish extending to the right.

Crit Luallen
Auditor of Public Accounts

November 9, 2009

MCLEAN COUNTY
FRANK COX, SHERIFF
SHERIFF'S SETTLEMENT - 2008 TAXES

For The Period May 6, 2008 Through May 15, 2009

<u>Charges</u>	<u>County Taxes</u>	<u>Special Taxing Districts</u>	<u>School Taxes</u>	<u>State Taxes</u>
Real Estate	\$ 438,506	\$ 266,086	\$ 1,579,959	\$ 408,379
Tangible Personal Property	37,994	15,451	99,628	66,755
Fire Protection	333			
Franchise Taxes	41,984	18,456	117,084	
Additional Billings	460	300	1,792	524
Unmined Coal - 2007 Taxes	531	333	1,982	531
Unmined Coal - 2008 Taxes	438	261	1,578	408
Oil and Gas Property Taxes	7,868	4,685	28,349	7,327
Penalties	2,343	1,400	8,390	2,209
Adjusted to Sheriff's Receipt	(220)	(158)	(1,036)	(21)
Gross Chargeable to Sheriff	530,237	306,814	1,837,726	486,112
<u>Credits</u>				
Exonerations	1,952	1,155	6,993	1,881
Discounts	8,279	4,864	29,013	8,238
Delinquents:				
Real Estate	12,202	7,264	43,959	11,362
Tangible Personal Property	630	256	1,653	898
Unmined Coal - 2007 Taxes	16	10	59	16
Unmined Coal - 2008 Taxes	97	58	349	90
Franchise Taxes:				
Uncollected	26	17	91	
Delinquent	19	11	67	
Total Credits	23,221	13,635	82,184	22,485
Taxes Collected	507,016	293,179	1,755,542	463,627
Less: Commissions *	21,836	12,460	61,444	19,992
Taxes Due	485,180	280,719	1,694,098	443,635
Taxes Paid	484,019	280,063	1,690,134	438,973
Refunds (Current and Prior Year)	1,608	762	4,626	4,828
(Refunds Due Sheriff)		**		
as of Completion of Audit	\$ (447)	\$ (106)	\$ (662)	\$ (166)

The accompanying notes are an integral part of this financial statement.

MCLEAN COUNTY
FRANK COX, SHERIFF
SHERIFF'S SETTLEMENT - 2008 TAXES
For The Period May 6, 2008 Through May 15, 2009
(Continued)

* Commissions:

10% on	\$	10,000
4.25% on	\$	1,253,822
3.5% on	\$	1,755,542

** Special Taxing Districts:

Health District	\$	(50)
Extension District		(38)
Soil Conservation District		<u>(18)</u>
(Refunds Due Sheriff)	\$	<u><u>(106)</u></u>

MCLEAN COUNTY
NOTES TO FINANCIAL STATEMENT

May 15, 2009

Note 1. Summary of Significant Accounting Policies

A. Fund Accounting

The Sheriff's office tax collection duties are limited to acting as an agent for assessed property owners and taxing districts. A fund is used to account for the collection and distribution of taxes. A fund is a separate accounting entity with a self-balancing set of accounts. Fund accounting is designed to demonstrate legal compliance and to aid financial management by segregating transactions related to certain government functions or activities.

B. Basis of Accounting

The financial statement has been prepared on a modified cash basis of accounting. Basis of accounting refers to when charges, credits, and taxes paid are reported in the settlement statement. It relates to the timing of measurements regardless of the measurement focus.

Charges are sources of revenue which are recognized in the tax period in which they become available and measurable. Credits are reductions of revenue which are recognized when there is proper authorization. Taxes paid are uses of revenue which are recognized when distributions are made to the taxing districts and others.

C. Cash and Investments

At the direction of the fiscal court, KRS 66.480 authorizes the Sheriff's office to invest in the following, including but not limited to, obligations of the United States and of its agencies and instrumentalities, obligations and contracts for future delivery or purchase of obligations backed by the full faith and credit of the United States, obligations of any corporation of the United States government, bonds or certificates of indebtedness of this state, and certificates of deposit issued by or other interest-bearing accounts of any bank or savings and loan institution which are insured by the Federal Deposit Insurance Corporation (FDIC) or which are collateralized, to the extent uninsured, by any obligation permitted by KRS 41.240(4).

Note 2. Deposits

The McLean County Sheriff maintained deposits of public funds with depository institutions insured by the Federal Deposit Insurance Corporation (FDIC) as required by KRS 66.480(1)(d). According to KRS 41.240(4), the depository institution should pledge or provide sufficient collateral which, together with FDIC insurance, equals or exceeds the amount of public funds on deposit at all times. In order to be valid against the FDIC in the event of failure or insolvency of the depository institution, this pledge or provision of collateral should be evidenced by an agreement between the Sheriff and the depository institution, signed by both parties, that is (a) in writing, (b) approved by the board of directors of the depository institution or its loan committee, which approval must be reflected in the minutes of the board or committee, and (c) an official record of the depository institution.

MCLEAN COUNTY
NOTES TO FINANCIAL STATEMENT
May 15, 2009
(Continued)

Note 2. Deposits (Continued)

Custodial Credit Risk - Deposits

Custodial credit risk is the risk that in the event of a depository institution failure, the Sheriff's deposits may not be returned. The McLean County Sheriff does not have a deposit policy for custodial credit risk but rather follows the requirements of KRS 41.240(4). As of May 15, 2009, all deposits were covered by FDIC insurance or a properly executed collateral security agreement.

Note 3. Tax Collection Period

A. Property Taxes

The real and personal property tax assessments were levied as of January 1, 2008. Property taxes were billed to finance governmental services for the year ended June 30, 2008. Liens are effective when the tax bills become delinquent. The collection period for these assessments was November 26, 2008 through May 15, 2009.

B. 2007 Unmined Coal Taxes

The tangible property tax assessments were levied as of January 1, 2007. Property taxes are billed to finance governmental services. Liens are effective when the tax bills become delinquent. The collection period for these assessments was February 21, 2008 through July 28, 2008.

C. 2008 Unmined Coal Taxes

The tangible property tax assessments were levied as of January 1, 2008. Property taxes are billed to finance governmental services. Liens are effective when the tax bills become delinquent. The collection period for these assessments was February 23, 2009 through September 23, 2009.

Note 4. Interest Income

The McLean County Sheriff earned \$79 as interest income on 2008 property, 2007 unmined coal, and 2008 unmined coal taxes. The Sheriff distributed the appropriate amount to the school district as required by statute, and the remainder was used to operate the Sheriff's office.

Note 5. Sheriff's 10% Add-On Fee

The McLean County Sheriff collected \$8,634 of 10% add-on fees allowed by KRS 134.430(3). This amount was used to operate the Sheriff's office.

Note 6. Advertising Fees

The McLean County Sheriff collected \$1,190 of advertising fees allowed by KRS 424.330(1) and KRS 134.440(2). As of November 9, 2009, the Sheriff owed \$1,190 in advertising fees to his fee account.

REPORT ON INTERNAL CONTROL OVER FINANCIAL REPORTING AND ON
COMPLIANCE AND OTHER MATTERS BASED ON AN AUDIT OF THE FINANCIAL
STATEMENT PERFORMED IN ACCORDANCE WITH GOVERNMENT AUDITING STANDARDS



CRIT LUALLEN
AUDITOR OF PUBLIC ACCOUNTS

The Honorable Larry Whitaker, McLean County Judge/Executive
Honorable Frank Cox, McLean County Sheriff
Members of the McLean County Fiscal Court

**Report On Internal Control Over Financial Reporting And On
Compliance And Other Matters Based On An Audit Of The Financial
Statement Performed In Accordance With Government Auditing Standards**

We have audited the McLean County Sheriff's Settlement - 2008 Taxes for the period May 6, 2008 through May 15, 2009, and have issued our report thereon dated November 9, 2009. The Sheriff prepares his financial statement in accordance with a basis of accounting other than generally accepted accounting principles. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in Government Auditing Standards issued by the Comptroller General of the United States.

Internal Control Over Financial Reporting

In planning and performing our audit, we considered the McLean County Sheriff's internal control over financial reporting as a basis for designing our auditing procedures for the purpose of expressing our opinion on the financial statement, but not for the purpose of expressing an opinion on the effectiveness of the McLean County Sheriff's internal control over financial reporting. Accordingly, we do not express an opinion on the effectiveness of the McLean County Sheriff's internal control over financial reporting.

Our consideration of internal control over financial reporting was for the limited purpose described in the preceding paragraph and would not necessarily identify all deficiencies in internal control over financial reporting that might be significant deficiencies or material weaknesses. However as discussed below, we identified a certain deficiency in internal control over financial reporting that we consider to be a significant deficiency.

A control deficiency exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent or detect misstatements on a timely basis. A significant deficiency is a control deficiency, or combination of control deficiencies, that adversely affects the entity's ability to initiate, authorize, record, process, or report financial data reliably in accordance with the modified cash basis of accounting such that there is more than a remote likelihood that a misstatement of the entity's financial statement that is more than inconsequential will not be prevented or detected by the entity's internal control over financial reporting. We consider the deficiency described in the accompanying comment and recommendation to be a significant deficiency in internal control over financial reporting.

- The Sheriff's Office Has A Lack Of Segregation Of Duties



Report On Internal Control Over Financial Reporting And On
Compliance And Other Matters Based On An Audit Of The Financial
Statement Performed In Accordance With Government Auditing Standards
(Continued)

Internal Control Over Financial Reporting (Continued)

A material weakness is a significant deficiency, or combination of significant deficiencies, that results in more than a remote likelihood that a material misstatement of the financial statement will not be prevented or detected by the entity's internal control. Our consideration of the internal control over financial reporting was for the limited purpose described in the first paragraph of this section and would not necessarily identify all deficiencies in the internal control that might be significant deficiencies and, accordingly, would not necessarily disclose all significant deficiencies that are also considered to be material weaknesses. However, we consider the significant deficiency described above to be a material weakness.

Compliance And Other Matters

As part of obtaining reasonable assurance about whether the McLean County Sheriff's Settlement - 2008 Taxes for the period May 6, 2008 through May 15, 2009, is free of material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit and, accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under Government Auditing Standards.

This report is intended solely for the information and use of management, the McLean County Fiscal Court, and the Department for Local Government and is not intended to be and should not be used by anyone other than these specified parties.

Respectfully submitted,



Crit Luallen
Auditor of Public Accounts

COMMENT AND RECOMMENDATION

MCLEAN COUNTY
FRANK COX, SHERIFF
COMMENT AND RECOMMENDATION

For The Period May 6, 2008 Through May 15, 2009

INTERNAL CONTROL - SIGNIFICANT DEFICIENCIES:

The Sheriff's Office Has A Lack Of Segregation Of Duties

During our review of internal controls, we noted that the Sheriff's office has a lack of segregation of duties. The bookkeeper prepares tax reports, distributes tax payments, reconciles the checking accounts, collects money, prepares deposits and makes deposits. Documented compensating controls were not in place to offset this control deficiency. The control deficiency as described above is a significant deficiency and material weakness. We recommend the following procedures be implemented as compensating controls:

- The Sheriff should document approval of monthly tax reports.
- A co-signature should be required on all checks.
- Cash counts should be documented and the person performing the count should sign off. If cash is recounted, the person recounting should document the process.
- Cash should periodically be recounted and deposited by the official. The official should document the cash count and deposit.
- Bank reconciliations should be checked and approved by someone other than the preparer of the bank reconciliation. This process should be documented on the bank reconciliation.

Sheriff's Response: None.

